

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTONIO ABOGADO,
Plaintiff,

v.

ROLANDO ENGRACIA, et al.,
Defendants.

Case No. 15-cv-04326-WHO

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Re: Dkt. Nos. 2, 4

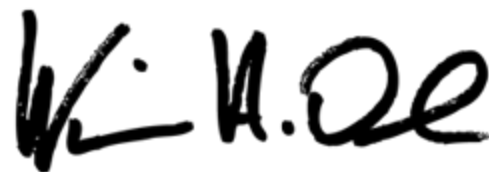
This order concerns Magistrate Judge Elizabeth D. Laporte's September 25, 2015 report and recommendation finding that this case was improperly removed from the Superior Court of California for the County of Alameda because the asserted federal question on which removal was based was not in fact included in plaintiffs' well-pleaded complaint. Dkt. No. 4. The report and recommendation also finds that removal was improper because there is no indication in the notice of removal that all properly joined and served defendants have joined in removal, as required under 28 U.S.C. § 1446(b)(2)(A). *Id.*

Judge Laporte recommends denying defendant Ronaldo Engracia's application to proceed in forma pauperis – on the ground that his financial condition does not entitle him to such status – and remanding the case to state court. *Id.* No objections have been filed.

Having reviewed the matter de novo, I ADOPT Judge Laporte's report and recommendation in whole. For the reasons stated therein, Engracia's application to proceed in forma pauperis is DENIED, and this case is REMANDED to Alameda County Superior Court.

IT IS SO ORDERED.

Dated: October 27, 2015



WILLIAM H. ORRICK
United States District Judge